CHHOK

(1)

BEFORE THE HIGH COURT OF CHHATTISGARH AT BILASPUR. 00:

W.P. No. 3532 /2003. (SB)

PETITIONER : Dainik Vetanbhogi Mazdoor Sangh, Durg, a registered Trade Union having registration no. 5571, through Its secretary, Office at C-1, Civil Lines, Durg, P.O. & District Durg, C.G.

Vs.

RESPONDENTS : 1. State of Chhattisgarh, through Secretary, Ministry of Public Works Department, Mantralaya, D.K.S. Bhawan, Raipur, P.O. & District Raipur, C.G.

2. The Exectuvie Engineer, Public Works Department, P.O. Bemetara, Durg, District Durg.

3. The Sub Divisional Officer, Public Works Department, At & Post Saja, Bemetara, Durg.

P. R. No. 3136/03
Presented by Shri Shantilal Jaiswal
dated 13/10/03

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT OF CERTORARI, MANDAMUS AND ANY OTHER WRIT/DIRECTION/ORDER.

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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench : Satish K. Agnihotri, J

WRIT PETITION NO.93 of 2005

Bharatram Sahu and others

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.4533 of 2004

Ramchand

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.2307 of 2004

Ramkumar Tiwari

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.1194 of 2004

Punai Bai

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.933 of 2004

Dheraharam & Others

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.716 of 2004

Madan Lal Sahu

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.144 of 2004

Thanu Ram

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.1723 OF 2003

Lathkhor Sahu & Others

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.1722 of 2003

Mohan Lal Dadsena & Others

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.4530 OF 2004

Kartikram Halba

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.2713 of 2003

Gangaram & Another

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.1945 of 2003

Preet Lal & Others

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.1080 of 2003

Gokul Ram Verms

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.1835 of 2003

Chhedilal Verma & Another

Vs.

State of Chhattisgarh and others

WRIT PETITION NO. 1879 of 2003

Manglu Ram & Another

Vs.

State of Chhattisgarh and others

WRIT PETITION NO. 1919 of 2003

Santuram & Others

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.2045 of 2003

Kejuram Verma & Others

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.4721 of 2004

Shankarlal

Vs.

State of Chhattisgarh and Another

WRIT PETITION NO.4722 of 2004

Mohit Ram & Another

Vs.

State of Chhattisgarh and Another

WRIT PETITION NO.4723 of 2004

Ajay Patel

Vs.

State of Chhattisgarh and Another

WRIT PETITION NO.4731 of 2004

Baldeo Das & Another

Vs.

State of Chhattisgarh and Another

WRIT PETITION NO.1664 of 2003

Smt. Mana Bai

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.1663 of 2003

Sukhi Ram & Others

Vs.

State of Chhattisgarh and others

WRIT PETITION NO. 4780 of 2004

Bishat Ram Sahu

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.4716 of 2004

Bansi & Others

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.1673 of 2003

Samaru & Others

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.3532 of 2003

Dainik Vetanbhogi Mazdoor Sangh, Durg

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.2543 of 2005

Rohit Satnami & Others

Vs.

State of Chhattisgarh and others

WRIT PETITION NO. 2959 of 2004

Khedia Bai

Vs.

State of Chhattisgarh and Another

WRIT PETITION NO.3280 of 2004

Ram Singh & Another

Vs.

State of Chhattisgarh and Another

WRIT PETITION NO.1970 of 2004

Dileram Patel & Others

Vs.

State of Chhattisgarh and Another

WRIT PETITION NO.4200 of 2004

Digree Lal & Others

Vs.

State of Chhattisgarh and Another

WRIT PETITION NO.3886 of 2004

Roopgir & Another

Vs.

State of Chhattisgarh and Another

WRIT PETITION NO.2688 of 2004

Prabhu Ram & Another

Vs.

State of Chhattisgarh and Another

WRIT PETITION NO.2683 of 2004

Suklal

Vs.

State of Chhattisgarh and Another

WRIT PETITION NO.2682 of 2004

Gopi

Vs.

State of Chhattisgarh and Another

WRIT PETITION NO.2681 of 2004

Bala Ram Sahu & Another

Vs.

State of Chhattisgarh and Another

WRIT PETITION NO.2680 of 2004

Juthel Yadav

Vs.

State of Chhattisgarh and Another

WRIT PETITION NO.2678 of 2004

Shrawan Kumar & Another

Vs.

State of Chhattisgarh and Another

WRIT PETITION NO.2667 of 2004

Puneet Ram Sahu

Vs.

State of Chhattisgarh and Another

WRIT PETITION NO.2668 of 2004

Safik

Vs.

State of Chhattisgarh and Another

WRIT PETITION NO.2472 of 2004

Sewa Ram

Vs.

State of Chhattisgarh and Another

WRIT PETITION NO.2471 of 2004

Vishnu

Vs.

State of Chhattisgarh and Another

WRIT PETITION NO.3039 of 2004

Deendayal Barate

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.2041 of 2003

Man Singh & Others

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.2048 of 2003

Latel Ram Kewat & Others

Vs.

State of Chhattisgarh and others

WRIT PETITION NO.2679 of 2003

Kripalu Sahu

Vs.

State of Chhattisgarh and others

Present : Mr. Kishore Bhaduri, Mr. Sunil Ottwani, Mr. Anoop Majumdar, Mr. Vinay Pandey, Mr. Ashok Das Vaishnav, Mr. Anil Singh Rajput, Mr. R.S. Baghel, Mr. B.R. Ghosh, Mr. Gautam Khetrapal, Mrs. Fauzia Mirza, learned counsel for the petitioner(s).

Mr. V.V.S. Murthy, & Mr. P.S. Koshy, learned Dy. Advocate Generals with Mr. Pankaj Shrivastava & Mr. Vivek Sharma, learned Panel Lawyers for the State of Chhattisgarh.

ORDER
(Passed on 15th September, 2005)

The petitioners in this batch of writ petitions are working as permanent Gang Men in the Public Works Department of the State Government. Accordingly, this batch of writ petitions is being disposed of by a common order.

(2) The petitioners were employed as permanent gang men with the Public Works Department of the Government. The petitioners

continue to work as casual permanent gang men ever since. By order dated 02.04.2003 / 24.04.2003, the respondent / State decided to terminate the services of the petitioners / gang men working in the Public Works Department either on completing 30 years of service or attaining the age of 60 years, which ever was earlier. Pursuant to this order, the petitioners were retired from their services on completion of 30 years of service. During the pendency of this petition, the State Government by order dated 24.03.2005, decided to retire gang men working in the Public Works Department on attaining the age of 60 years and decided to delete the clause "retiring the gang men on completion of 30 years of service". This order was made effective with effect from 30.03.2005.

(3) After hearing the learned counsel for the parties, it is clear that the requirement of completion of 30 years of service for the purpose of retirement has been deleted w.e.f. 30.03.2005. Learned counsel appearing for the State / respondent submits that this order would be effective from 30.03.2005 and as such the gang men who had already retired from 30.03.2005 may not be given benefit of this order. The argument of the learned counsel is not tenable and the same is not accepted. Purport of the order is quite clear and unambiguous as it appears from the perusal of the order as well as from the contentions of the petitioners that the gang men who have not completed the age of 60 years as on 30.03.2005, they will be allowed to continue till they attain the age of 60 years. It is informed by the learned counsel for the petitioner(s) that some of the gang men, who have already retired on completion of 30 years of service, have been paid retiral benefits i.e. gratuity only. This will be unfair, if the petitioners, who have retired before 30.03.2005 on completion of 30 years of service, though they have still some years to go before 60 years of age, are not given benefit of order dated 30.03.2005.

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(4) For the reasons stated above, the respondents are directed to allow all the gang men, who had retired on completion of 30 years of service but have not attained the age of 60 years, to rejoin the services and continue till they attain the age of 60 years, subject to depositing the retiral benefits, if any, given to them.

(5) In some of the petitions, the petitioners have prayed for regularization of their services as Gang-man. Learned counsel for the petitioners submit that the said prayer be dismissed as not pressed at present. However, the liberty be granted to the petitioners to raise the issue of regularization before the appropriate forum, if necessary. The petitions with regard to the prayer of regularization are dismissed as not pressed with liberty to the petitioners to raise the dispute seeking redressal of the relief of regularization, if necessary, before the appropriate forum.

(6) In view of the foregoing, the petitions stand allowed to the extent indicated above. The respondents are further directed to comply with this order within a period of two months from the date of receipt/communication of this order. No order as to costs.

Parties are entitled for certified copy of this order.

Sd/-
Satish K. Agnihotri
Judge